



# TAKE ACTION BRIEF

## September 2022 *Governor's Desk Special Edition*

The 2021-2022 California Legislative Session concluded August 31, leaving Governor Gavin Newsom until the end of September to sign or veto the hundreds of bills that reached his desk in the final weeks of the session. This brief highlights some of the most significant bills awaiting action by the Governor. A comprehensive report of all CSDA lobbied bills will be distributed in October in our Annual Year-End Legislative Report following the Governor's September 30 signature deadline.

Capitol lobbyist Chris Micheli, of the lobbying firm Aprea & Micheli, shared the following noteworthy stats from the 2021-2022 session:

- There were 4,476 bills introduced during the 2021-22 Legislative Session.
- There were 1,027 bills that imposed a state-mandated local program (which the state may or may not have to reimburse local agencies for their expenditures to comply).
- There were five Assemblymembers who introduced the maximum number of bills (50) during the 2021-22 Session, while four Assemblymembers introduced 49 bills.
- There was one Assemblymember who introduced the fewest number of bills during the 2-year session, which was zero bills.
- There were 14 Senators who introduced the maximum number of bills (40) during the 2021-22 Session.
- There were two Senators who introduced the fewest number of bills during the two-year session, which was 14 bills.

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### Contact a local CSDA representative near you!

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## ➤ Key Bills Awaiting Action by Governor Gavin Newsom

*The following measures, actively lobbied or tracked by CSDA, have passed the State Legislature and await action by Governor Gavin Newsom. The Governor may sign these bills into law or return them to the Legislature without his signature (veto) by September 30. Unless otherwise stipulated within the legislation, signed bills will take effect January 1, 2023.*

### **AB 1711 (Seyarto) Website Posting Mandate – OPPOSE**

Requires a public agency to post a link on its website, if one is maintained, to a notice of security breach, as specified, provided by a person or business operating a system on behalf of an agency (e.g., a vendor), when that third party is required to disclose a breach of that system potentially involving personal information. This bill will require the agency to also disclose that breach by conspicuously posting for a minimum of 30 days on the agency's website, if one is maintained, the notice provided by the third party. This is satisfied through posting a link to the notice on the homepage or first significant page, according to font and text placement standards, as specified, that call attention to the link.

CSDA and its coalition partners were successful in gaining an amendment providing that the disclosure shall be posted in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided for elsewhere in specified law, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system. However, CSDA remains opposed to this bill because it has not been amended to remove the agency website posting requirement and, instead, simply require the third party to list the agency it was contracting with at the time of the breach if the third party is providing the notification of breach to impacted parties. Such an amendment would have allowed recipients to understand the significance of the communication from the third party and take appropriate action without expending public resources in connection with agency website mandates.

### **AB 1776 (Gallagher) Resource Conservation Districts: California Prompt Payment Act – SUPPORT**

This bill would include resource conservation districts within the list of entities entitled to a certain late payment penalty pursuant to contracts with the state, as specified, and with specified exceptions.

### **AB 1817 (Ting) Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Product Safety – SUPPORT**

This bill would prohibit the manufacturing, distribution, or selling in the state of any new, not previously used, textile articles that contain regulated per- and polyfluoroalkyl substances (PFAS) after January 1, 2025. This bill would specifically exempt outdoor apparel for severe wet conditions from this prohibition until January 1, 2027. Additionally, the bill would require, commencing January 1, 2025, outdoor apparel for severe wet conditions that contain regulated PFAS must be sold with a legible and easily discernable disclosure with the statement "Made with PFAS chemicals."

When these garments are washed, the chemicals are released into wastewater systems and will impact the watershed and potentially may end up in groundwater. Managing PFAS contamination is important for special districts. Remediation and treatment are difficult and costly, and source control is critical to deal with PFAS on the front end.



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**AB 2142 (Gabriel) Income taxes: Turf Replacement Water Conservation Program – SUPPORT**

This bill, for state income tax purposes, would provide an exclusion from gross income for any amount received as a rebate, voucher, or other financial incentive issued by a public water system, as defined, local government, or state agency for participation in a turf replacement water conservation program. Sunsets January 1, 2027.

**AB 2247 (Bloom) Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data – SUPPORT**

This bill would require the Department of Toxic Substances Control (DTSC) to work with the Interstate Chemicals Clearinghouse to establish on or before July 1, 2026, a publicly accessible reporting platform to collect information about per- and polyfluoroalkyl substances (PFAS) and products or product components containing intentionally added PFAS being sold, offered for sale, distributed, offered for promotional purposes, or imported into the state. Additionally, this bill requires a manufacturer of PFAS of a product or product component containing intentionally added PFAS to register the product in the registry.

**AB 2771 (Friedman) Cosmetic Products: Safety – SUPPORT**

This bill would prohibit, beginning January 1, 2025, the manufacture, sale, delivery, holding, or offering for sale in commerce, cosmetic products containing intentionally added PFAS, as defined. PFAS contamination is of great concern to many water districts, which have had to take steps to address this contaminant in water supply -- often incurring significant cost to do so.

**SB 931 (Leyva) Deterring union membership: violations – OPPOSE**

Permits an employee organization (union) subject to the jurisdiction of the Public Employment Relations Board (PERB) to bring a claim before PERB alleging a violation of existing law prohibiting a public employer from deterring or discouraging union membership and related activities. Upon a finding by PERB that the public employer violated the law, the employer will be subject to a civil penalty of up to \$1,000 per each affected employee, not to exceed one hundred thousand dollars \$100,000 in total, payable to the state General Fund.

CSDA and its coalition partners have succeeded in gaining significant amendments, including the requirement that assessed penalties be paid to the state General Fund instead of to PERB, and that, in assessing the penalty, PERB shall consider the public employer's annual budget; the severity of the violation; and, any prior history of violations by the public employer. However, CSDA remains opposed to this bill because it has not been amended to provide for reciprocal prevailing party attorneys' fees and costs awards, and instead only allows such awards to the union as prevailing party, and the bill has not been amended to require a notice to the employer relating to the PERB action.

**SB 1127 (Atkins) Workers' compensation: liability presumptions – OPPOSE**

Alters rules and timeframes for determining eligibility for workers' compensation claims and cuts the amount of time that California employers have to investigate whether certain claimed workplace injuries subject to existing presumptions are related to work by reducing the investigation period from 90 days to 75 days. However, the bill does not address other workers' compensation procedural requirements which do not allow claims investigations to be completed within 75 days. This is especially concerning because the bill expands penalties on employers when liability has been unreasonably rejected for claims of injury or illness covered by certain legal presumptions, as specified. The amount of the penalty will be five times the amount of the benefits unreasonably delayed due to the rejection of liability, capped at \$50,000. This provision is applied retroactively.



## ➤ GOVERNANCE: OPEN AND PUBLIC MEETINGS

### What to Know About 2022 Brown Act Legislation

In response to challenges experienced and lessons learned throughout the COVID-19 pandemic, three bills amending the Brown Act and supported by CSDA have passed the State Legislature. Governor Gavin Newsom signed Senate Bill 1100 (Cortese) last week and Assembly Bill 2647 (Levine) and Assembly Bill 2449 (Rubio) now await his consideration. AB 2449 (Rubio), related to remote meetings, is arguably the most significant Brown Act legislation to clear the Legislature since CSDA-sponsored Assembly Bill 361 (R. Rivas) was signed into law last year.

[Assembly Bill 2449 \(Rubio\)](#) establishes another avenue for local agencies to meet remotely under modified Brown Act requirements; provided that an agency abides by the strict substantive and procedural requirements, local agencies may avail themselves of the alternative agenda posting and teleconference requirements, potentially making it easier for local agency board members to participate in a meeting remotely under certain circumstances that would've otherwise precluded that participation. If signed, the bill would take effect at the start of 2023. The bill contains multiple sunset dates, though perhaps the most relevant is the January 1, 2026 sunset, after which time all the provisions added by AB 2449 lapse and become unavailable to local agencies.

The freedoms granted by AB 2449 may be familiar to those accustomed to holding meetings under the framework established by [Assembly Bill 361 \(R. Rivas, 2021\)](#) — under the provisions of AB 2449, agencies would not be obligated to post agendas at all teleconference locations, would not be obligated to identify all teleconference locations in the meeting agendas, and would not be obligated to make each teleconference location open to the public.

However, for an agency to proceed under the procedures established by AB 2449, it must observe the requirement that *at least* a quorum of the members of the legislative body participates in person from a singular, physical location clearly identified on the agenda, open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction. This stands in notable contrast to the provisions of AB 361, which contained no such requirement. Under AB 2449, it *would not be permissible* to have the *entirety* of the board participate remotely pursuant to the bill's provisions. Another departure from the AB 361 rules includes the fact that remote participation under AB 2449 must be done for specified reasons — either because of a “just cause” or as a result of “emergency circumstances.” The two cases have different requirements that must be observed and have their own unique restrictions.

Whether or not Governor Newsom signs AB 2449, AB 361 will remain in effect through 2023 and can still be used by local agencies during any state-declared emergency.

### What about the other Brown Act legislation from this year?

[Senate Bill 1100 \(Cortese\)](#) — Expressly provides that a member of the public can be removed from a meeting for disruptive behavior, as defined, and provides for the process by which a local agency may effect the removal of that individual. This measure, supported by CSDA, was signed into law earlier this year.

[Assembly Bill 2647 \(Levine\)](#) — Arising out of a court case (*Sierra Watch v. Placer County*), this bill seeks to clarify that the online posting of agenda materials fulfills the Brown Act requirement that they be made “publicly available.” Local agencies relying on the bill's provisions would still be obliged to make physical copies of the materials available at an agency location designated for that purpose, and are also subject to observing other substantive and procedural requirements. Another CSDA-supported measure, this bill has also reached the engrossing and enrolling process, and is awaiting action by the Governor.



## ➤ Initiative 21-0042A1: Limiting Voters and Local Governments

### **Proponents Submit 1.4 Million Signatures to Qualify Initiative Limiting Ability of Voters and State and Local Governments**

Proponents of Initiative #21-0042A1 submitted 1,429,529 signatures by the August 2 deadline to qualify the constitutional amendment for voter consideration. Should county elections officials confirm the validity of at least 997,139 signatures, the initiative to limit the ability of voters and state and local governments to raise revenues for government services will be placed on the November 2024 statewide ballot. CSDA is calling on all special districts to join the more than 150 local governments that have already passed resolutions in opposition to the costly measure.

The purported “Taxpayer Protection and Government Accountability Act,” sponsored by the [California Business Roundtable](#) (“CBRT”), is the most consequential proposal to limit the ability of the state and local governments to enact, modify, or expand taxes, assessments, fees, and property-related charges since the passage of Proposition 218 (1996) and Proposition 26 (2010). If enacted, public agencies would face a drastic rise in litigation that could severely restrict their ability to meet essential services and infrastructure needs.

County elections officials are in the process of conducting a random sample verification of the 1.4 million signatures submitted by proponents. They have 38 working days from the submission of signatures to confirm whether the random sample process yields a sufficient number of valid signatures. If the random sample verifies 110 percent of required signatures, then the initiative qualifies automatically. If it yields less than 95 percent of necessary valid signatures, then it fails. If it yields less than 110 percent, but greater than 95 percent, then elections officials receive another 30 working days to conduct a full check of all signatures. Interested parties can track the results of the ongoing count on the [website of the California Secretary of State](#).

CSDA has joined a coalition of local government leaders in adopting an “Oppose” position on Initiative 21-0042A1 and encourages all special districts, partners, and community leaders to join the coalition.

To download a sample resolution and learn more about Initiative #21-0042A1, visit [csda.net/VoterLimitations](https://csda.net/VoterLimitations). There, you will find CSDA’s analysis, the full initiative language, and more. In addition to CSDA, the opposition coalition includes the League of California Cities, the California State Association of Counties, the California Alliance for Jobs, California Professional Firefighters, and more.



## ➤ PUBLIC ENGAGEMENT

### You Can Now Join Nextdoor for Public Agencies

Following extensive communications with CSDA, Nextdoor has recently expanded their [eligibility requirements](#). Special districts can now have their own free *Nextdoor for Public Agencies* page to communicate with residents within their district, provided they meet the following criteria:

- They are a permanent government agency with a full-time staff.
- They do **not** represent a committee, board, program, or project.
- They do **not** represent an elected official.
- They have a discrete jurisdictional boundary that has been approved by their state's governing body.
- They can provide a GIS map file of their boundary upon request.
- They can apply using a personalized work email (ie. [firstname.lastname@agency.com](#)) and can provide proof of employment upon request.

Special districts that do not have a GIS map file of their boundary may contact CSDA endorsed business affiliate [California CAD Solutions](#) for CSDA member-preferred pricing on developing the necessary GIS file.

Nextdoor is an app for neighborhoods where you can get local tips, buy and sell items, and more. It allows public agencies to share critical, real-time information directly at the neighborhood level.

CSDA played a significant role working with Nextdoor to help in its policy development related to special districts. This multi-year effort began after receiving a wide range of inquiries from CSDA members, as well as anecdotes at CSDA conferences. Special district leaders clearly saw value in gaining equitable access with cities and counties to the platform to ensure communities served by special districts would receive the same access to information and resources they need.

In the Spring of 2021, CSDA convened a feedback group of more than two-dozen special district officials to confirm how special districts were accessing and using Nextdoor and to better understand what interest special districts had in using the platform going forward. CSDA conveyed this feedback to Nextdoor and helped answer questions about the services communities receive from special districts and the manner in which they are governed.

CSDA would like to thank Nextdoor for taking time to meet, discuss, and consider the perspectives shared by CSDA and our membership.

For more information or to sign up for *Nextdoor for Public Agencies*, go to [nextdoor.com/agency](#). To sign up, click **Get Started**. Please reach out to [agencysupport@nextdoor.com](#) with any questions.



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## ➤ OTHER WAYS TO TAKE ACTION

### Learn More

#### It's "Back to School" for Special Districts!

Plan your fall professional development calendar now with our upcoming webinars and workshops! Join us for a variety of learning opportunities on topics such as Human Resources, Special District Governance, Cybersecurity, and Financial Management. And this year, we're offering our Ethics and Sexual Harassment Prevention Webinars in both English and Spanish!

[Register Here](#)

### Join Today

Join an Expert Feedback Team to provide CSDA staff with invaluable insights on policy issues. Email [romanw@csda.net](mailto:romanw@csda.net) to inquire about joining one of the following teams:

- Budget, Finance and Taxation
- Environment
- Formation and Reorganization
- Human Resources and Personnel
- Governance
- Public Works and Contracting

### Stay Informed

In addition to the many ways you can **TAKE ACTION** with CSDA's advocacy efforts, CSDA offers a variety of tools to keep you up-to-date and assist you in your district's legislative and public outreach. Make sure you're reading these resources:

- CSDA's weekly e-Newsletter
- Districts in the News
- CSDA's CA Special District Magazine

Email [updates@csda.net](mailto:updates@csda.net) for help accessing these additional member resources.